BEITRÄGE ZUM SEXUALPROBLEM
HERAUSGEGEBEN VON DR. FELIX A. THEILHABER / HEFT IV

DIE SEXUALREVOLUTION IN RUSSLAND

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The Sexual Revolution in Russia

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Sexual legislation in the Soviet republics today is the product of the October Revolution. This great event is of prime importance, not only from a political point of view, inasmuch as the proletariat gained their political dictatorship, but also because the revolution had an impact on all spheres of life.

The leaders of the revolution did not embark on their work of liberation, courageously and resolutely breaking the chains of the old laws and institutions, to merely proclaim pompous principles in their stead. Faced with everyday life, such proclamations would collapse like a house of cards. The first French Revolution was the most instructive example where grey theory and abstract thinking were the main inspiration for law and institutions.

The social legislation of the Russian Communist revolution, on the other hand, does not intend to merely reproduce academic wisdom, but to be an expression of life itself. Only after the successful overthrow of the old order – this victorious triumph of practice over theory – was a new, firm legislation called for. And thus, new norms of family life and sexual relations were shaped according to the natural needs and demands of the people.

The legislation of tsarism consisted of many volumes, whose basic principles were unlimited despotism, arbitrariness, violence and enslavement of women. The old Russian marriage and family laws were shaped by a system based on political and economic oppression.

Features of the tsarist legislation were the following: the conception and perception of the family as a matter of merely private concern, the unlimited power and authority of the head of the family – based on the Roman model of the *pater familias* – legitimised by unscientific canonical law of religious morals that degraded women to being “vessels of the devil”, entirely ignoring the natural relations.

“The wife must fear her husband” – this accepted piece of “wisdom”, instilled into women during marriage ceremonies by the Orthodox Church – was the basic idea behind all such legislation. The conditions of children were very similar to those of women. The relevant laws bore a rather significant title: “On the power of the parents”.

“Illegitimate” pregnancies were almost unprotected, abortions were punished with forced labour, women’s and child labour was shamelessly exploited. Interference in private matters, such as sexual life, under the cover of concern for public morality, while at the same time positively stimulating the spread of prostitution, such were the basic tendencies of that legislation.

Ignorant clergy and administrative authorities had a huge influence on the mass of the population, especially the peasants.

The idea of the satanic origin of women – whose only right to exist derived from the satisfaction of their husbands' sexual needs – was taught for centuries and nourished the belief in the divine authority of these truly diabolical laws.

There was only one means, only one way by which workers and peasants could be masters and exercise unlimited power legitimised by God and Law. Politically and economically oppressed, always humiliated in their day to day lives, workers and peasants could only be "masters" within their own family.

For a long time, progressive workers, peasants and liberal intellectuals had declared their opposition to the old medieval order that had repressed free, social and individual development in Russia, and which stood constantly in opposition to reality.

War set the broad masses in motion. A hundred million peasants were confronted with new conditions and began to develop a new perception of life. In the factories and in the countryside women conquered their economic independence during the first period of the war. However, only the October Revolution could break the chains – not just in a formal manner. Legislation was revolutionised. None of the old, despotic and infinitely unscientific laws were left standing. This was entirely different from reformist bourgeois legislation, where legal subtleties are used to salvage the notion of property in the sexual sphere, and which, in the final analysis, serves to entrench double standards in sexual life. All those laws were written with an active disregard for science.

Soviet legislation embarked on a wholly different, entirely new road, with the objective of satisfying the needs and tasks of the social revolution. In the history of mankind this was the first revolution, the first society ever to take on this task.

Soviet sexual law is based on principles that satisfy the demands of the majority of the population and which correspond to the results of modern science. It is an expression of today's life but, at the same time, it looks at tomorrow and at basic tendencies of a future development. It does not want to remain unaffected and inflexible until the end of time like the Ten Commandments. Like every social institution, Soviet legislation subordinates itself to the laws of development.

The laws of development of public relations proclaim resolutely that with the abolition of private property, the "family" as an economic institution has been shaken to its foundations.

Politically emancipated women are included in the public process of production; their old oppressed status, in which they were subordinate to children, kitchen and Church, has been shattered.

The raising of children, previously defined as a private duty and a matter of private concern, has now become one of public concern, and is protected in the interest of society and the individual.

Nonetheless, today's Soviet laws reflect a period of transition; destroying the old and preparing the new, a future that is still struggling to be born. But at the same time, it still reflects the situation of today, a young society which cannot yet regulate the processes of material life in their entirety, so as to guarantee provisions for all citizens and care for all children.

The current working conditions for women in factories or other workplaces do not fully permit all women to work in the factories or other enterprises. The family unit still retains great power and practical importance, and the low level of technology restrains an immediate collectivisation of lifestyles. Public education of the children can only be put into practice very slowly and gradually due to a lack of material means. In this period of transition, Soviet legislation takes into consideration every aspect of life and builds the new society on the following principles:

- Non-interference of either state or society in sexual relations, insofar as they do not harm or violate anyone's interest.

- Full economic, social and political equality of both sexes.

- State and society are legal guardians and protectors of children and women. Protection of children and women is demanded in every sphere.

- Laws that are linked to religious ceremonies are to be abolished.

- The law is modified if necessary; practical application of the law will be the general principle. This is quite the contrary of the old idiom "*Fiat justitia pereat mundus*" [Let justice be done, though the world perish].

Excerpt from the former tsarist laws, as an overview and for comparison

> Article 106 of the Code: A husband shall love his wife as his own body and live with her in harmony; he shall honour her and assist her during sickness. He shall provide his wife with nourishment and support to the best of his ability.
>
> Article 107: A wife shall obey her husband as the head of the family, abide with him in love, respect and unlimited obedience and render him every satisfaction and affection as the mistress of the house.
>
> Article 164: Parental rights: The parent's power extends to children, of both genders and of all ages. This is subject to restrictions which have been defined previously.
>
> Article 165: The parents have the right to use domestic measures for the purpose of improvement of intractable and disobedient infants. In case of a failure of these measures the parents are empowered to:
>
> 1) Send children of both genders to prison in case of stubborn disobedience against the parental power, immoral conduct and other blatant misbehaviour, unless they are employed by the state. The corresponding legislation is stipulated in article 1592 "Edict on punishment" (in the year 1885).

2) Submit complaints about their children to judicial institutions.Stubborn disobedience against the parental power, immoral conduct and other blatant misbehaviour can be punished by certain measures when required by the parents. These measures can amount to up to 2-4 months of imprisonment and can be enforced by the parents without specific inquiry. The parents are entitled to reduce or lift the punishment at their discretion.

Article 122: It is the duty of the police to make sure that young people respect their elders and the aged, and that children obey their parents.

Article 177: Children's duties:The children are obliged to attest their wholehearted deference, obedience, devotion and love of their parents. They must serve their parents, speak about them with esteem and bear parental admonition and ameliorative measures with patience and without complaint. The children‘s respect must continue beyond the parent's death.

Article 168: No complaint concerning personal insults whatsoever – be it of either a civil or penal nature – will be accepted in case of application by the children against their parents.This law is not applicable in cases of parents who are guilty of criminal behaviour concerning their children. In these cases the local authorities provide necessary protection by investigating the case and taking the persons that are deemed guilty to the law courts.

The new [Soviet] legislation

The marriage law of Soviet Russia reduced marriage to a purely civil affair. Only civil marriage is lawfully recognized as such. Couples that celebrated their marriage in a church wedding before the revolution are an exception. Their validity as well as their equal legality regarding civil marriage was confirmed by the new law.

There are special administrative bodies with the task of registering marriages in special registries.

The spouses must be fully aware of the consequences of their actions. Only sane and accountable persons can be registered for marriage.

Lack of maturity, i. e. young age, is regarded as a biological obstacle to marriage. The legal minimum age for the marriage partners to celebrate a legal marriage must be 18 years of age for men and 16 years of age for women. In specific parts of the country where puberty is reached earlier, these minimum age thresholds can be lowered. Another obstacle to marriage is kinship in direct line (mother-son/father-daughter, etc.) Marriages that violate these laws are still valid if they no longer violate the law at the time of contestation (e.g. the minimum age has been reached) or if the marriage has produced children or pregnancy.

The couple is free to choose either the husband's or wife's surname, a compound name or for both to keep their old surnames. For example, if the husband's surname is Schultz and the wife's surname is Mayer, the couple can either decide to adopt the name Schultz or Mayer as a surname or adopt the compound name Schultz-Mayer. The same applies to the children's surnames. The child can have the surname of either parent or the compound surname – depending on the parents' agreement. Every citizen reaching the legal age is entitled to the right to change their surname.

When getting married, the partners keep their nationality/citizenship if neither of them desires to adopt the nationality/citizenship of the other.

Another reason to deny registration of a marriage would be if one of the partners is already registered in another marriage. One cannot register two marriages at a time. Sexual relationships outside the registered marriage, however, are not persecuted in any way.

Although Soviet law envisages a system of registered civil marriages, it also deems both partners in every relationship that is like marriage to have the same rights and duties as in an officially registered legal marriage. If, potentially, one of the partners – additionally to the first relationship – is in a relationship or even a registered marriage with someone else, the same duties for both the relationship and the marriage are applied.

This is the fundamental difference between the laws of bourgeois states and those of the workers' and peasants' state: the latter grants the same rights to every lasting relationship even though these relationships may not be registered in a formal way.

An attempt is made to establish some order in those cases of intermixed coexisting relationships if the relationship clearly harms one of the persons involved. A relationship is classified as harmful if its polyamorous character is not made known to every partner involved. Such a case is regarded as fraud.

An example of a harmful relationship would be the following: Someone who lives in a registered marriage for some time and provides for his family. If this man were to enter into a second relationship the same duties would be demanded. As a result, the first family would be harmed since their material conditions would worsen. Let us assume that he does not tell his first wife about the second relationship – this would undoubtedly be a case of fraud.

The same applies to keeping his first family a secret. The practice of daily life leads to the recognition of the fact that what should be penalized is not the double relationship, but the fraud and the resulting violation of the family's interests.

The law emphasises that every relationship that has the character of a marriage also grants the same rights and duties to the partners as in officially registered marriages.

If one of the involved partners lives in a parallel relationship, or even a registered marriage, he has the same duties in every single one of these relationships. A new draft law which will be presented to the Central Executive Committee of the Soviet in the near future includes the following article:

> "Individuals who live in marriage-like non-registered relationships are always entitled to the right to certification of these relationships."
>
> "The demand of registration does not grant any special rights but is to a certain degree only a concession to real life."

In a memorandum concerning the proposed law, the People's Commissar of Justice wrote:

> "Registrations are only required to the extent that the law guarantees certain privileges to the family. A timely registration makes it easier to state the fact that a family exists. Also, the old element of authority that is inherent in these ceremonies still plays a role amongst

> the masses. One can feel a growing demand among the masses to replace the former, religious, mystical sacrament of marriage with the secular act of registration.”

Statistics show that registered marriages have actually surpassed the number of church weddings.

In outlying areas of the Soviet Union, certain paragraphs have been added to the common Soviet law because the relics of old national institutions in such areas, for example in the Caucasus, Turkestan and Siberia, still play a big role in the lives of their peoples.

Amongst the Nomadic peoples – the Kirgiz, Uzbeks and the Russian mountain tribes – a system of common law has been used since primitive times. Marriage by abduction, marriage by acquisition, the inheritance of the widows as part of the deceased’s entire fortune – all this was legitimate due to customary right. The woman was treated as an object, as a commodity, as a part of the fortune. She had no possibility of freely expressing her volition whatsoever.

In the course of fighting these last relicts of primitive times, the local governments enacted legislation such as a strict prohibition of bride kidnapping, payment of ransoms, coercion to marry against the will of the woman and other norms that until now repressed the woman’s freedom. All these additional laws were approved by the Soviet Central Executive Committee as part of an all-Russian Code in the last session of their congress.

The latest proposal for the new marriage law contains an important article written by Narkomedrav. According to this draft, the spouses are obliged to acknowledge in writing that they both have been fully informed about each other´s state of health, especially concerning psychological and sexual diseases and tuberculosis. This draft is likely to be adopted by the legislative bodies.

It goes without saying that this proposal of Narkomedrav’s is of paramount importance for social hygiene. It is certain to be passed and has been approved by all relevant legislative institutions.

The question of the obligation of medical inspection before marriage was postponed several times but not rejected. Both the comparatively low level of organisation of medical aid and the still low cultural level of the masses present obstacles. Besides all the other questions and statements, special attention is paid to the state of health of both partners in order to prevent a severe and contagious disease from ruining the marriage later.

According to Soviet laws, marriage ends with the death of one of the partners or in the case of the intention of one or both partners to dissolve the marriage. Soviet legislation does not aim to force people to continue an unwanted relationship. However, it is the task of the State to provide protection of the interests of the weaker part – in most cases those of the woman and especially the children – and to register their claims and impose the duties upon the stronger partner that resulted from the sexual communion of two people. In case of a unanimous decision of the partners concerning the dissolution of their marriage, it is sufficient to submit an affirmation that includes the duties towards the other person and the children. This must be handed to the local authorities. In case of disagreement the divorce is tabled to the People’s Court. The court’s task is the establishment of mutual duties. Of course, the judge, faced with a dramatic situation, does not remain a cold observer. He will always try to reconcile the spouses when this seems possible. Indeed, he often succeeds in doing so. It is false to claim that the number of divorces increased due to the legal possibility of divorce.

The highest number of divorces in Russia was documented in April 1918. It was almost the proverbial time of degeneration of marriages that had been celebrated in Tsarist times. In most cases they were only defined as marriages in juridical terms. Also divorces of couples that became estranged from each other in the new times, in the light of revolutionary upheaval, were observed.

The urban proletarian worker who considers himself to be an active member of public life did not want to stay with his wife who in the majority of cases did not understand and share his interests. He therefore has become estranged from his wife and his family and has striven to free himself from it. The woman stayed behind with the children as a victim in the midst of the difficult conditions of that time.

In rural areas, a different process could be observed. The man – having been a soldier in a long war, often wounded – returns home and finds his wife with a new man and a new family. In such cases the man is a victim of the conditions.

The Soviet legislation was – as mentioned above – forced to introduce laws which defended the rights of the weakest partner.

The number of divorces subsequently began to decrease. It is even possible to state an inner consolidation of marriages nowadays. The annual rate of divorces in Moscow, for instance, amounts to 3,500, while at the same time, the rate of marriage is 20,000. Full mutual liberty in the relationship between man and woman leads to a healthy amicable relationship and the stabilisation of the marriage. The spouses are economically independent from each other. The fortune earned and owned by each of the spouses before marriage continues to be his or her personal property. Any contracts that might undermine one spouse’s rights for the benefit of the other are invalid.

At the same time, all wealth that was acquired during the marriage is the property of both spouses. In case of divorce it is subject to being divided.

Family structures in Soviet Russia have not yet passed the stage where in most cases the man makes a living for the family outside and the woman stays at home, caring for the children.

It is difficult to say whose work is the hardest – the man’s work in the factory or the woman’s work at home. In very many cases the women have harder work to carry out than the men. Therefore, the woman is seen as having equal ownership of any family income.

Of course, this legislation is also applied to the man if he is not able to work for reasons of health or other reasons, whereas the woman is economically independent.

Generally, marriage and family legislation defines the duty of mutual help in times of economic hardship. Only blood relations are regarded as the basis of a family. Formal relations of any other kind are not considered. Adoption of children has only been legalised recently.

The problem of legitimate and illegitimate children has ceased to exist under law and in juridical practise. All children, both legitimate and illegitimate, possess the same rights in relation to their parents. The parents have the same duties in relation to their children, regardless of whether they were born inside or outside marriage. The fundamental idea and aim of family law is in every respect the protection of the children's interests. Family law has become a genuine institution for the child. Its first concern is the identification of the parents. The mother is obliged to indicate the child's father's name when applying for birth registration.

The spouses are obliged to confirm their parenthood by signature.

The law emphasises and supports the mother's right to investigate the child's father. Like in Scandinavia, the mother is entitled to indicate the name of the man she presumes to be the child's father three months before childbirth. If the mentioned man does not protest within a period of two weeks, he shall be recognised as the child's father. In case he does protest, the case goes to court. A deliberate untruthful denial of paternity will be treated as perjury and punished as such (as a crime).

Russian law has anticipated the cases in which the mother could not give testimony about the child's father with a reasonable degree of certainty because of sexual relations with two or more men during the time of conception. In such cases – in which any of the men could potentially be the father – the court orders that all of them are obliged to pay the child's expenses and provide the necessary means for the mother.

The mother's right to receive alimony is statutory and will be implemented rigorously.

The demand for maintenance and its payment will no longer be implemented juridically but enforced by the public authorities. This is a big relief for the mother. Refusal to pay maintenance will be punished as a crime.

The court decides the amount of maintenance based on need. In case of changed circumstances it is possible to revise or modify the judgement at any time. Likewise, it is possible to revise the admission of paternity. This is also the case if desired by the children.

The parent's interests concerning the children are only acknowledged if they correlate with the children's interest and wellbeing.

It is even possible for the court to go against the codified law if this is in the child's interest.

In this regard, a big difference between the old Tsarist legislation and legislation of the new Russia is once again clear.

The old law and its most important judicial institution, the Senate, allowed the parents to withdraw their children from any care and take them home at any time – even if it was obvious that the return to their parents would have negative effects on the children. Soviet legislation contains similar articles that grant the parents the right to claim their child from other persons. But the practical application of the law has shown that – in case of doubt – the court decides in favour of the child's interest and does not permit the parents to claim the return of their child in their care.

We have a case in the governorate of Premsk from the year of 1919 which is of special interest:

A son was born to the married couple Baburin in 1913. The child's father was a soldier at that time. In his absence, the mother – impecunious and without means – left the child at the door of a monastery. The child was found and given over to the married couple I… which brought up the child as though it were their own. Six years later the married couple B. took legal action for the restitution of the child. The People's Court adhered to the law and implemented procedures on behalf of the parent's interest. However, at a higher level of jurisdiction, the following was announced: The article concerning the restitution of the child could only be implemented if the restitution were in the child's interest. The child, having lived in the family for seven years and being comfortable in said place, did not want to go back to the (biological) parents. Therefore, it was decided that the child should stay with the foster parents.

Many other examples could be quoted – all of which were primarily in the child's interest.

Child protection could not be legally fixed in a more rational, more flexible way (also concerning the parents). Article 153 of the Family Code is a (marvellous) expression of this.

The parent's rights are always treated as subordinate to the child's interest.

Everything that follows from this, every further legal step, is a continuation of these few words of such great content.

Education will be organised collectively by the parents, and no parent shall act arbitrarily without the consent of the other. In case of disagreement between the spouses the court takes the decision.

Abuse of parental rights leads to their loss. In such cases the child is withdrawn from the parents. By these means the child is under the constant protection of the law and no egoistic actions (not even of the parents) can harm the child. (*)

[(*) For a decision concerning the child's labour the child's agreement is needed. They (children) have the full right to dispose of their earned salary. Profitable work is not allowed for adolescents under 16 years of age; a dispensation from the age of 14 can only be permitted in exceptional circumstances.]

The implementation of all this Soviet legislation not only frees the family from the former enslavement, but also protects it from the violence and arbitrariness that formerly dominated family life.

Furthermore, Soviet legislation addresses the question of material privileges given at birth and focuses on changing the current inheritance law in accordance with the general social legislation.

At the core of this is the principle of equality – birth shall not lead to future economic inequality. The family is not the source of accumulation of wealth and property that is passed on from generation to generation. This fundamental inequality of the bourgeois world and the capitalist order has now been eliminated. The future social ranking of the child will not be determined by the parent's status any longer.

In this transitional phase, the family exists as an institution where family members help and support each other. Adults unable to work, and children in particular, can claim means of support from other working members of the family. The claim expires if the said family member has access to public or state funds, for instance if a child in a nursery or a disabled person are in an institution corresponding to their needs. The children, however, have no claim to their parents' property – just as the parents have no claim to the property of their children.

The testator can only obtain the property that remains posthumously under one condition: all obligations towards family members that the deceased person had must have been fulfilled. Furthermore, the property cannot exceed the limit of 10,000 roubles. In the absence of a will, the sum of 10,000 roubles is evenly distributed amongst all family members. The rest shall be the property of the state. (**)

[(**) *Code concerning inheritance*. The sum of 10,000 roubles represents the common average value of peasant property, i.e. the inventory and the buildings. The ground itself cannot be passed on because it is not considered private property. Nonetheless, it is handed to a peasant for his use for his whole life. Every family member receives a proportion of the ground regardless of their age.]

The liberation of women and the protection of the children are not limited to the sphere of family and marriage. General legislation of Soviet Russia has established full political and economic *equality* between the sexes.

The mother is under special legal protection. Maternity protection is a prominent feature of the Labour Law. A mother can make use of maternity leave for a period of three months in total.

Furthermore, the hours of the working day can be reduced for women in most of the factories; also special leave of absence for a breastfeeding mother during her working time is made possible.

Besides this, there are the norms of social security, various government measures with the aim of improving healthcare and the provision of special needs for mothers, as well as a series of measures that consolidate the mother's maternity rights and material means that enable her to put her rights into practice. Here, the mother's right to maternity is not a simple declaration, not a solemn phrase of a bourgeois constitution (see the Weimar constitution).

The mother's right of maternity is established through numerous institutions that help and protect both mother and child.

It is sufficient to refer to particular norms concerning mother and child care that are put into effect in the form of a social insurance, i.e. the measures that enable the mother to breastfeed her child. Almost all big factories and companies with a high percentage of female employees are obliged to set up crèches. During seasonal work, for example during the summer period in the countryside, there are summer crèches.

Another matter of relevance is the question of abortion. Soviet legislation does not treat the procedure of abortion as an irrelevant question for the woman's health and the legislative organs are not indifferent and neutral witnesses and observers of the living conditions that force thousands of women to carry out an abortion. N. Semashko writes in an article: neither the working woman, nor the peasant woman has an abortion because she does not want to have children – it is rather because she *cannot* have any more children. Most of these women already have children. Barely a fifth of women that have an abortion are childless. On average, an abortion is carried out after the woman's fourth child.

The low cultural level of the broad masses degrades woman to a birthing machine. Taking into consideration that families with many children lack the means to feed their offspring, abortion seems to be a natural instrument to protect the woman from total exhaustion and the children from starvation and misery.

As long as the state cannot provide full security and protection for every child that is born, it has no right whatsoever to force a woman to bear children. Furthermore, life itself is stronger than any legislation and speaks for itself.

Even in Tsarist Russia abortions were carried out, just as in other countries where women were threatened with the most severe draconian punishment.

The number of abortions added up to hundreds of thousands. Yet only a few hundred cases went to court. Most of the mothers were poor and indigent. Are there any educational values whatsoever in these dreadful norms of law?

Soviet legislation – free from any hypocrisy or sham moralism – has now declared total exemption from punishment for abortion. It also enables women who were driven to abortion due to difficult circumstances to have an operation as safe and hygienic as possible. By the end of 1920 it was decided that the interruption of a pregnancy may be carried out by doctors in a hospital. Later, the Penal Code stipulated that it was only possible to be punished for carrying out an abortion if this was in direct contradiction to the law. Accordingly, it is a criminal act to:

1. Carry out an abortion without being a doctor.
2. Carry out an abortion under adverse conditions or carry out abortions as a personal trade (this includes doctors).

The latter case will lead to a considerably higher punishment. The woman herself, however, remains unpunished in any case. (*)

[(*) *Chapter 5 of the Penal Code. Part I, homicide. Article 146*. If the abortion of the foetus or an artificial pregnancy interruption is carried out without the necessary medical training or under adverse conditions, the punishment will be up to one year of imprisonment or forced labour, including if the mother has consented. If the abortion was carried out for profit or without the mother's consent or if the abortion caused the mother's death, the punishment will be increased up to five 5 years of imprisonment.]

These laws hold the possibility of having negative effects, or even a sort of negative influence and encouragement to have abortions – even in cases where the decision is taken without a sufficient number of reasons. Very frequently the woman decides to have an abortion because of a lack of knowledge about the rights that she can claim as a mother or because she is unable to assert a claim – and not because she is in a difficult position.

Particularly with regard to so-called illegitimate pregnancies, women are put under enormous pressure – shame, lack of knowledge of the mother's rights towards the child's father… all this forces the woman to have an abortion.

In order to bring about a change, special commissions were constituted – mostly composed of women, working women and peasant women. Women that intend to interrupt their pregnancies will be received in a friendly, comradely manner. Together, all the circumstances that drive the woman to want an abortion will be considered. Measures and resources will be found to make the abortion avoidable. In this context, all her rights will be explained to the mother (the "illegitimate" mother in particular) – she will get help to find out the child's father and enforce maintenance costs from him. It will be offered to her that she can count on material support, given that she can find accommodation in a corresponding establishment during pregnancy and lactation. If necessary, the child can be brought up at the expense of the state. (*)

[(*) A*bortion*. Abortion used to be carried out by healers or midwives and kept a secret. These interventions often resulted in serious injuries and death of the woman. Nowadays they are treated as a medical operation. The fact that the number of abortions in hospitals has increased, therefore, is not an argument against Soviet law but rather for it. Statistics reveal there has been a decrease in the number of women who visit a hospital after an inadequate abortion for after-treatment. Between 1910 and 1922 this number has seen a decrease of 50 percent in one of the biggest birth centres of Moscow. The number of medical diseases in this area has declined even more. The growing number of abortions that are carried out in hospitals indicates that women are mainly being directed towards hospitals and are therefore protected from the dangers that result from a non-professional procedure.]

In many cases – especially during the first pregnancy where an abortion is most dangerous – it is possible to prevent premature abortion by means of said measures. In hopeless cases where relief is hardly possible, i.e. families with many children, abortion is considered in spite of everything.

And yet, even with the strongest and most determined will, and the most glowing ambitions of the Soviet government, these ideal norms are not capable of shaking off the yoke of centuries-old oppression and slavery of women. Even though the Russian general public showed such widespread sympathy towards these measures and efforts, it became apparent that it was impossible to wipe out all the cruel, hideous symptoms of women's oppression that had existed for centuries.

We have already mentioned that Soviet legislation had to struggle with the remains of all the national institutions of the barbaric nomadic peoples of the East.

It is struggling, and with it, the entire public is fighting a hard and defiant battle against another barbaric relic of the old order: prostitution.

During the civil war period – at the time of the general obligation to work – it seems that the question of prostitution ceased to exist. This was for the following reasons:

1. There was no unemployment – accordingly there was no reason for women to prostitute themselves.
2. In the face of the blockade and general work obligation there was only a low demand for prostitution – everyone received only as much as was needed for the satisfaction of their basic needs. The bourgeois class had disappeared for some time.

At that time, Soviet legislation treated prostitutes as *deserters from work*. All citizens were equally provided with the same rights to satisfy their most basic needs. The end of the civil war meant an end to the general obligation to work, which implied unemployment – especially of women. On the other hand, Russia was experiencing the rise of a new bourgeoisie. The so-called NEP-men were making immense fortunes and created a fresh demand for prostitution.

These two elements led to the return of prostitution.

The measures against prostitution took on a new form. Prostitution was not deemed as desertion from work any longer – the state was not able to support every unemployed woman and provide her with job possibilities.

Therefore, the fight against prostitution is by no means a fight against the prostitute.

Measures are being taken to alleviate the effects of female unemployment. Measures like the organisation of assistance for unemployed women, the creation of asylum and shelter for homeless women, and the education of the masses are of particular importance.

Every forceful measure is strictly prohibited, i.e. control or any kind of secret or open regimentation of prostitutes is categorically prohibited.

Later decrees confirm this position – administrative and social institutions turn their attention primarily against all agents and accomplices of prostitution.

The Penal Code provides for the harshest punishment of bar [brothel] owners, procurers and women-traffickers that facilitate prostitution. The struggle against prostitution is not a mere administrative matter.

The All-Russian institutions, as well as local committees that fight against prostitution, are composed of deputies of local administrations and representatives of various public and professional organisations, notably the women’s organisations. Sexually Transmitted Diseases (STDs) counselling centres play a decisive role in the fight against prostitution. The scope and duties of these counselling centres range from the medical treatment of STDs to educating the general public about the correlation between the spread of STDs and the rise of prostitution.

To this effect, the counselling centres work together with interested organisations. They implement measures related to social aid and provide an opportunity for those unfortunate women to give up their ugly trade.

The fundamental approach of Soviet legislation concerning the sexual affairs of the individual is one of non-interference.

On the whole, however, when individual freedom in the sexual sphere leads to unhealthy phenomena in the general life of society, the Soviet justice system strives to intervene by law.

Likewise, Soviet justice enacts severe laws against those who act in a violent and selfish manner in a sexual context regarding the interests of the other.

The Penal Code provides severe penalties for those who are not up to their civil obligations such as not paying maintenance and neglecting paternal duties.

A specific part of the code elaborates on sexual offences. A sexual offence shall be deemed to be any sexual act with a child. The penalty is 3 to 5 years of imprisonment.

The more demeaning a sexual act with a child is, the more severe the punishment will be than the above.

The Penal Code contains severe punishment for rape by physical or psychological subjugation, as well as coercion of a woman in a state of helplessness, to enter into sexual intercourse, if she is dependent on the abuser in a material or job-related way. Furthermore, the infection with a sexual disease is punishable.

However, legislation does not intervene in any sexual relationship between two adult individuals that is not forced and which is free from pressure. Sexual intercourse of that kind is treated as a matter of private concern of the persons involved. The question of public morality is thus irrelevant for legislation.

Acts of homosexuality, sodomy and any other forms of sexual pleasure have the same legal status as the above mentioned. Whilst European legislation defines all this as a breach of public morality, Soviet legislation makes no difference between homosexuality and so-called “natural” intercourse. All forms of intercourse are treated as a personal matter. Criminal prosecution is only implemented in cases of violence, abuse or a violation of the interests of others.

These are the basic intentions of the revolution concerning sexuality. This revolutionary legislation reflects the sexual revolution as it proceeded in real life.

The enemies of this new society invent myths and lies about wild free love, the socialisation of women and similar nonsense and spread it throughout the whole world. After all that has been outlined here, it is obvious how stupid and crude this sensational news has been. Observation of real life teaches us the exact opposite.

It has been stated before that marital relations have experienced an inner consolidation, and therefore at this point it is worth saying something about the gender relations of the adolescent generation.

Immediately after the great revolutionary convulsion that Soviet Russia lived through, it was thought that the sex life of the youth was of particular concern. It brought back memories of the bitter experience of the complete hodgepodge in respect to sexual self-realisation by the youth – the urban and so-called educated youth in particular – in the year of 1905, in times of the restoration of reaction.

The lives of the intelligentsia, and particularly the youth, during the years of reaction were filled with pornographic literature such as Arzibashev's "Shanin", sexual circles and associations in which one could uninhibitedly release one's sexuality.

How did things stand in Russia in the period of the October Revolution and the civil war that followed and how did things stand with Russian youth in the period of the transition to the period of peaceful building [of a new society]?

Eroticism and sexuality were rather marginal aspects during the revolution. The youth lived and breathed for the great revolutionary idea and were captured by the revolutionary spirit. During the quieter times of reconstruction, it was feared that the youth – which had now cooled down and sobered up – would tread a path of unlimited eroticism as experienced in the year of 1905.

This was not the case. The passionate work for the organisation of public and private life was the "spiritual nourishment" of the youth, especially the female youth.

Based on experiences in Soviet Russia, I would argue that a process of sexual cooling down took place amongst women. The process of undergoing social liberation and being included into a process of transition from a mere female to a real human being replaced her sexual desire – even though only temporarily.

From now on the major task will be the sexual education of the youth. Education is always the first step in a process of creating new conventions and a new life.

The problems of sexual pedagogy are the topical talk of the day in Soviet Russia, and soon they are going to be the topic of the most vivid discussions at the All-Russian Congress [of Soviets].

To raise healthy human beings, citizens of the future society whose natural desires are fully synchronised with the great social tasks that lie ahead of them, this shall be the task of sexual pedagogy in Russia. The directives shall therefore be: everything that is creative in the natural desires shall be encouraged; everything that has damaging and harmful effects on the personal development of a member of the collective shall be removed.

A society based on these principles, would be a society of harmony and love of life. Today, we have already seen the liberation of love from all political and economic constraints. Free love in Russia is not some kind of rampant and wild self-realisation but rather a relation between two free and independent human beings.